

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

BRENT C. WILLIAMS, as Plan Trustee of  
the Plan Trust of Touch America Holdings,  
Inc., et al., for the benefit of the Bankruptcy  
Estate of Touch America Holdings, Inc., et al.,  
vs.  
SAVVIS COMMUNICATIONS  
CORPORATION,  
Defendant.

*So Ordered*  
*Seth L. Siegel, Esq.*  
Case No.: 4:05-CV-01243-RWS 2/6/06

**DISMISSAL MEMORANDUM**

COMES NOW Plaintiff, Brent C. Williams, as Plan Trustee of the Plan Trust of Touch America Holdings, Inc., et al., for the benefit of the Bankruptcy Estate of Touch America Holdings, Inc., et al., and dismisses with prejudice its cause of action against Defendant Savvis Communications Corporation.

Each party to bear its own court costs and counsel fees.

FRANKEL, RUBIN, BOND, DUBIN,  
SIEGEL & KLEIN, P.C.

By: /s/ Mayer S. Klein  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system and mailed by ordinary mail, postage prepaid, by depositing a copy of same in the United States Mail, this 3<sup>rd</sup> day of February, 2006, addressed to: Robert H. Brownlee, Mike W. Bartolacci, and Seth A. Albin, Thompson Coburn, LLP, One US Bank Plaza, Suite 2600, St. Louis, Missouri 63101.

/s/ Mayer S. Klein  
MAYER S. KLEIN